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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,926	09/19/2003	Victor W. Lee	Master Cutlery, Inc. - 1	7063

7590

02/18/2005

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EXAMINER

PAYER, HWEI SIU CHOU

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,926

Applicant(s)

LEE, VICTOR

Examiner

Hwei-Siu C. Payer

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-21 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Detailed Action

Drawings Objection

The drawings are objected to because:

(1) In Fig.14A, "190e" (the one to the right of "190") should read --190g-- (i.e. an indented portion rather than an opening (see pages 10 and 11 of the specification).

(2) In Fig.14A, "190" (the one to the right of 190i) lacks a leadline.

(3) In Figs.14A and 14B, "190a" should read --190c-- (note Fig.17).

(4) In Figs.14A and 14B, "190c" should read --190b-- (referring to Fig.17 and line 14 on page 12 of the specification).

(5) In Figs.14A and 14B, "190b" should read --190a--.

(6) In Fig.15B, "192d" should read --192b-- (note Fig.15A).

(7) In Fig.15B, "192e" should read --192a-- (note Fig.15A).

(8) In Fig.15B, "192f" should read --192c-- (note Fig.15A).

(9) In Fig.15B, "192c" should read --192f-- (note Fig.15A).

(10) In Fig.15B, "192b" should read --192d-- (note Fig.15A).

(11) In Fig.15B, "192a" should read --192e-- (note Fig.15A).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Objection to the Specification

The disclosure is objected to because of the following informalities:

- (1) On page 7, line 13, "second" should read --third--.
- (2) On page 10, line 7, "40b" should read --140b--.
- (3) On page 10, line 11, "15A" and "15B" should read --14A-- and --14B--, respectively.
- (4) On page 11, line 4, "second" should read --third--.
- (5) Lines 23-24 of page 12 to lines 1-4 of page 13 do not agree with Fig.8A. Fig.8 does not show the portion 190l of plate 190 flexing inward towards the plate 192.
- (6) On page 13, line 4, "Fig.4B" should read --Fig.8B--.

(7) On page 14, line 20, "28" should read --28a--.

(8) On page 15, line 3, "Fig.8A" should read --Fig.9A--.

Appropriate correction is required.

Claims Rejection - 35 U.S.C. 112, second paragraph

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2, 3, 5, 6, 8, 9, 12, 13 and 15-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(1) In claim 2, it is not understood what "switch blade type knife" is.

(2) In claim 5, "the protrusion" has no antecedent basis. It appears claim 5 should depend from claim 4.

(3) The scope of claims 15, 16 and 18 is vague and indefinite since there is no method step claimed therein.

Claims Rejection - 35 U.S.C. 102(b)

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 9 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Schaub (U.S. Patent No. 4,908,947).

Schaub discloses an apparatus comprising a first knife (see Fig.1); a second knife (see column 2, lines 7-12); wherein the first knife includes a first attachment device (8); wherein the second knife includes a second attachment device (11), wherein the first attachment device (8) and the second attachment device (11) can be attached to each other to attach the first knife to the second knife; and wherein the first attachment device (8) and the second attachment device (11) can be detached to each other to detach the first knife from the second knife as claimed.

Since the first and second knives are pocketknives, it is inherent the folding tools (12,13) in the knives are blades or as evidenced in Schaub's other embodiment (see column 3, lines 35-37) be blades.

Claims Rejection - 35 U.S.C. 103(a)

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4, 5, 11, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub (U.S. Patent No. 4,908,947) in view of Cassady (U.S. Patent No. 1,165,226).

Schaub's apparatus as set forth shows all the claimed structure except for the shape of the two attachment devices. Specifically, Schaub's first attachment device comprises a first plate (15) having a groove-like recess (8), and the second attachment device comprises a dovetail-shaped connecting element (11) slidably received in the groove-like recess for attaching the two attachment devices and their respective knives together.

However, it is notoriously old and well known in the art to attach two elements together by providing one element with an opening and the other element with a protrusion so that the protrusion can be inserted into the opening for attaching the two elements together as evidenced by Cassady.

In view of this fact, it would have been obvious to one skilled in the art to modify Schaub by having the attachment devices in the form of opening and protrusion. The modification is obvious since it would only involve selecting one known type of attachment device for another.

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub (U.S. Patent No. 4,908,947) in view of Seber et al. (U.S. Patent No. 5,794,346).

Schaub's apparatus as set forth shows all the claimed structure except the first knife lacks a clip.

Seber et al. teach, by providing a folding knife with a clip (44), the knife can be attached to a belt when not in use.

In view of this teaching, one skilled in the art who has the need for attaching Schaub's knife to a belt when not in use would have known to provide Schaub's knife with a clip for the intended purpose.

Indication of Allowable Subject Matter

1. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
2. Claims 6, 8, 12, 13, 19 and 21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Prior Art Citations

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Richards, Palmer, Crawford, Anderson, Nivin and Janky are cited as art of interest.

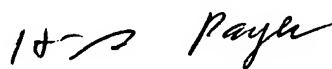
Point of Contact.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-

4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for official communications and 571-273-4511 for proposed amendments.

H Payer
February 17, 2005



Huel-Slu Payer
Primary Examiner